

# EXHIBIT I

BROOKE COLE  
UNITED STATES vs STATE OF GEORGIA

October 27, 2022

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
United States of America, No.  
Plaintiff, 1:16-CV-03088-ELR  
vs.  
State of Georgia,  
Defendant.  
~~~~~

VIDEOTAPED DEPOSITION OF  
BROOKE COLE  
OCTOBER 27, 2022  
9:20 a.m.  
435 2nd Street, Suite 500  
Macon, Georgia

Marcella Daughtry, RPR, RMR  
Georgia License No. 6595-1471-3597-5424  
California CSR No. 14315

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1 A Lara Sims.

2 Q Got it.

3 Do you know how long Ms. Sims held --

4 A She was the director for eight or nine years.

5 Q Eight or nine years. Okay.

6 Who do you report to?

7 A Multiple people. So for Bibb County, I report  
8 to Jamie Cassady. He's my direct supervisor. And then I  
9 also -- well, I don't report to other superintendents,  
10 per se. I work with -- alongside of those -- those LEAs.  
11 And then I also -- I don't know if you would say report  
12 to, but I do -- I guess you can -- Vickie Cleveland and  
13 LaKesha Stevenson.

14 Q Okay.

15 A Not in an evaluatory kind of way, though.

16 THE REPORTER: Not in a what way?

17 THE WITNESS: Like an eval -- evaluatory way,  
18 evaluative way. They don't evaluate me. There you go.

19 Q BY MS. TUCKER: They don't evaluate you, but  
20 they -- you report to them?

21 A Correct.

22 Q Okay. And, okay, earlier you said James  
23 Cassady is the assistant superintendent?

24 A Jamie.

25 Q Jamie.

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1 A Uh-huh.

2 Q Thank you.

3 A You're welcome.

4 Q Assistant superintendent for Bibb County?

5 A Correct.

6 Q And Jamie Cassady does evaluate you?

7 A Yes.

8 Q Okay. But you report also to Vickie Cleveland  
9 and LaKesha Stevenson?

10 A Correct.

11 Q And who are Vickie Cleveland and LaKesha  
12 Stevenson?

13 A So Vickie is the program specialist. I think  
14 that's what the GaDOE, Georgia DOE calls them for GNETS,  
15 and then LaKesha is her right-hand lady.

16 Q So they are both at GaDOE?

17 A Yes.

18 Q Okay. How often do you report to Vickie  
19 Cleveland and LaKesha Stevenson?

20 A We have GNETS directors meetings every month or  
21 so.

22 Q Uh-huh.

23 A And so we do that.

24 And then if I have anything I need to talk to  
25 them about, you know, I reach out to them or they reach

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1 out to me if there's some issue or clarifying kind of  
2 questions.

3 Q How often are you evaluated by Jamie Cassady?

4 A He evaluates me through LKES, so it's yearly,  
5 the evaluation process.

6 Q Anyone else that you report to?

7 A No, ma'am.

8 Q Earlier you mentioned six site coordinators,  
9 correct?

10 A No. I said I have six coordinators.

11 Q Six coordinators?

12 A Not all of them are site coordinators.

13 Q Okay. Six coordinators. And --

14 A Uh-huh.

15 Q -- those individuals are who report to you?

16 A Yes.

17 Q Does anyone else report to you?

18 A All the teaching staff. I mean, there's a  
19 trickle-up process. Of course, they answer to their  
20 coordinators, and then there is me.

21 Q So can you explain the structure of you, the  
22 coordinators, and --

23 A Yes.

24 Q -- the teaching staff?

25 Thank you.

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1 leadership -- I mean our GNETS meetings, you know,  
2 through Zoom. And then if I need something, I just call  
3 or I e-mail. Most of the time I just pick up the phone  
4 and call.

5 Q You had mentioned that you communicate them --  
6 with them as needed?

7 A Uh-huh.

8 Q When -- can you describe an instance where they  
9 would --

10 A Yeah.

11 Q It would be needed?

12 A So a big push for our program really for the  
13 last eight years is to move a certain population of  
14 student back to the LEA, and so that's something that I  
15 want them to be aware of if anything ever trickles and  
16 say I've irritated, you know, a special ed director or  
17 something like that, if I rub somebody the wrong way.

18 Q What certain population are you referring to?

19 A To the GAA students.

20 Q And what does "GAA" refer to?

21 A Georgia Alternate Assessment.

22 Q Are there any other meetings that you attend  
23 regularly as part of your job responsibilities?

24 A Outside of conferences, no.

25 Q Okay. What type of conferences do you attend?

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1 Q Okay. What is discussed at a GNETS director  
2 meeting?

3 A Usually any sort of PL we may need from the  
4 Department of Education, be about prior written notice or  
5 testing type things like the Alternate Assessment, GAA  
6 2.0. I think that was what Tuesday was. Anything doing  
7 with FTE coding, things like that. We also talk about  
8 strategic plan type items, like if we're implementing  
9 restorative practices or MindSet or i-Ready. Academic  
10 interventions, things like that.

11 Q Who leads those meetings?

12 A Vickie and LaKesha, and then they will have  
13 guest speakers come in.

14 Q Who are the guest speakers?

15 A Usually from the Department of Ed. Like they  
16 are specialists for whatever content that is.

17 Q And from the Georgia Department of Ed?

18 A Yes.

19 Q Okay. How long do these meetings last?

20 A Usually an hour and a half.

21 Q Is there a time to ask questions during these  
22 meetings?

23 A Yes.

24 Q Okay.

25 A Uh-huh.

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1 Q And everyone has the benefit of hearing the  
2 responses and feedback from the Georgia Department of  
3 Ed --

4 A Yes.

5 Q -- on it?

6 A Yes.

7 Q What type of training have you received as part  
8 of -- as your director role?

9 A For the actual position of director?

10 Q Uh-huh.

11 A It's kind of -- I mean, they provide support.  
12 I wouldn't say training, per se.

13 Q Who is "they"?

14 A Department of Education, Georgia Department of  
15 Education. I wouldn't say training, per se.

16 Q Uh-huh. Earlier you described it as  
17 professional learning?

18 A Right. Like they'll provide support if you're,  
19 you know, first time learning how to do a grant  
20 application, things of that nature.

21 Q Okay.

22 A Uh-huh.

23 Q Have you received training from anyone else  
24 about the role of director?

25 A So I -- I -- I fall up under an LEA, so I



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1 A We did.

2 Q Okay.

3 A The GNETS program.

4 Q Through what funds?

5 A The grant.

6 Q By "grant," do you mean the state grant?

7 A Yes. I would say it was either state or  
8 federal. I don't know how they pulled money at that  
9 time.

10 Q Okay. Describe the GNETS program as a whole  
11 for me.

12 MS. SOLOMON: I am going to object to the form.

13 MS. TUCKER: Okay. Sure.

14 MS. SOLOMON: Can you verify?

15 MS. TUCKER: Yeah. No problem.

16 Q BY MS. TUCKER: How would you describe -- what  
17 is the GNETS program?

18 A It's a program that serves students with  
19 characteristics of emotional behavior disorders, ages 5  
20 to 21. I work with kids that are not necessarily  
21 eligibility of EBD. They have to have characteristics of  
22 emotional behavior disorders.

23 Q Characteristics of EBD?

24 A Uh-huh.

25 Q Okay. Ages 5 to 21?

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1 A 5 to 21.

2 Q Okay. Has it always been 5 to 21?

3 A No. It used to be 3 to 21.

4 Q And when did that change?

5 A When the new rule came out nine -- nine years  
6 ago or so.

7 Q Okay. Are you referring to the State GNETS  
8 rule?

9 A Yes.

10 Q That came out in 2017?

11 A No.

12 Q Okay.

13 A It was prior to that.

14 Q Okay.

15 A It was prior to that. They changed the ages  
16 from 3 to 21 to 5 to 21.

17 Q Okay. Prior to that?

18 A Uh-huh.

19 Q Okay.

20 A Yeah.

21 Q When you first started working for -- for  
22 GNETS, what were your views on the effectiveness of the  
23 GNETS program for serving students with EBD or  
24 characteristics of EBD?

25 A I think we have always done a good job.

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1 Q Okay. As director of Elam Alexander Academy,  
2 do you view the student population as increasing,  
3 decreasing, staying the same?

4 A We have steadily decreased.

5 Q Steadily decreased?

6 A Uh-huh.

7 Q Why do you think that is?

8 A Multiple -- well, I won't say multiple reasons.  
9 When I first became director, we were at like 536 or so  
10 kids. There was a lot of kids, and it was a higher  
11 number of GAA students, so we had closer to 120-plus GAA  
12 students.

13 Q Uh-huh.

14 A And just I felt like that needed to start being  
15 pushed further out, so we -- we started pushing that  
16 eight years ago, and we have decreased that population.  
17 And also, just we're doing more work on the front end.  
18 So you can request consultation, where we go in and maybe  
19 observe the classroom or observe a student or help  
20 develop an FBA, whatever it may be. So we do a lot of  
21 work on the front end to decrease the amount of students  
22 coming in.

23 Q Okay.

24 A So that helps, too.

25 Q Why have you done that? What has led to that

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1 work happening?

2 A So there was two packets created. It's a  
3 request for consultation, which is that kind of work, or  
4 a consideration for services. And so some things change  
5 with the consideration of services packet. You know,  
6 it's recommended, highly recommended that you have an  
7 updated FBA, BIP, psychological evaluation.

8 Prior to that packet rolling out -- and that  
9 was from the Department of Ed -- you could call an IEP  
10 meeting and consider services without those things in  
11 place. So that's fewer and far between.

12 Q Okay. So those documents you just referred to,  
13 the packets, they were created by the Department of Ed?

14 A Correct.

15 Q And when was that?

16 A Oh, seven, eight years ago.

17 Q Okay. Thank you.

18 And then you mentioned that you have had less  
19 GAA students; is that correct?

20 A Right. So we've -- we decreased that. We  
21 started to reintegrate that population. We've probably  
22 cut that population in half.

23 Q Okay. Thank you.

24 A Uh-huh.

25 Q Maybe we take a quick break?

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1 paper exhibit as well.

2 A Okay.

3 MS. TUCKER: So I'd like the court reporter to  
4 mark this document as Plaintiff's Exhibit 566.

5 (Plaintiff's Exhibit 566 was marked for  
6 identification.)

7 Q BY MS. TUCKER: Okay. The Bates number on the  
8 first page of this document reads GA00322208. This is an  
9 e-mail thread between you and Vickie Cleveland, dated  
10 May 16th, 2018, and the subject reads, "GAA Guidance."

11 Ms. Cole, do you recognize this e-mail thread?

12 A Yes.

13 Q Okay. Let's go to the earliest e-mail in the  
14 thread with a time stamp of 12:07 p.m. at the bottom.

15 Do you see it?

16 A Yes.

17 Q Okay. Do you see where you wrote, quote -- and  
18 this is to Vickie Cleveland with GaDOE: "Can you give me  
19 some guidance in regards to staffing in new students into  
20 these types of classrooms?"

21 Oh, I apologize. I -- scratch that. Let's go  
22 to the earliest e-mail with the time stamp of 12:07 p.m.  
23 Do you see where you wrote, "I know that GNETS providing  
24 main center services for students that are served through  
25 the GAA has been an issue."

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1 What do you mean by "has been an issue"?

2 A So that came to my attention early on when I  
3 became director.

4 Q Uh-huh.

5 A Because every GNETS program is different, and  
6 so some -- well, most have a smaller number of students  
7 that are GAA, and we are probably the largest program in  
8 the state --

9 Q Uh-huh.

10 A -- for students of GAA, that are under GAA.  
11 And so it became an issue that we really needed to  
12 reintegrate those students back out because about  
13 appropriateness of the setting.

14 Q Okay. How -- how did it become an issue how --

15 A So it was brought to me early on, I believe,  
16 and it was Nakeba that was the program specialist at DOE.  
17 When she first came in and did a site visit, it was like,  
18 yeah, I just don't think this is appropriate.

19 Q And why was it not appropriate?

20 A She didn't feel like those students should be  
21 served in a GNETS setting, that they could be served at  
22 their districts.

23 Q Okay. And this is Nakeba Rahming?

24 A Yes.

25 Q Who was with the Georgia Department of Ed?

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1 A Yes.

2 Q And she raised this to you in feedback?

3 A Yes.

4 Q Okay. And then do you see where you wrote,  
5 "Can you give me some guidance in regards to staffing in  
6 new students into these type of classrooms? Should I  
7 just allow it be an IEP decision?"

8 A Correct.

9 Q What did you mean?

10 A So an IEP team can make that decision. It's  
11 not a one-person decision. So if I, you know, felt like  
12 it was an inappropriate placement, but I'm just one  
13 member of the committee. I can't stop a placement.

14 Q Uh-huh.

15 A That's not my role. So that's what I was  
16 asking, should the IEP be able to convene and make that  
17 decision.

18 Q Uh-huh.

19 A Even though, say, I didn't feel like that was  
20 the best decision to be made or it was appropriate. And  
21 that's what I was asking.

22 Q I understand.

23 What guidance did Vickie Cleveland provide to  
24 you?

25 A Take it through the IEP.

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1 Q Take it through the IEP. Okay.

2 And did you have additional follow-up with  
3 Vickie Cleveland after this e-mail thread about the GAA  
4 quote/unquote issue?

5 A This is something we talk about quite often,  
6 so --

7 Q Okay.

8 A -- yes.

9 Q Okay. Has Vickie Cleveland expressed the same  
10 concerns that Nakeba Rahming expressed?

11 A Yes.

12 Q Okay. Why did you write to Vickie Cleveland  
13 with this question?

14 A Because I wanted the answer in writing.

15 Q Okay. Do you write -- why?

16 A Because I wanted to be able to have something  
17 in writing when I -- when I'm talking with other  
18 directors of why we can't take students of this nature.

19 Q Have you had conversations with other directors  
20 about the GAA student population?

21 A Yes. Oh, you mean special ed directors or  
22 GNETS directors?

23 Q What did you mean?

24 A I meant special ed directors, yes.

25 Q Okay.



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1 A Maybe about when we were implementing  
2 trauma-informed care.

3 Q Uh-huh.

4 A I think I put that in writing. I'm not sure if  
5 I did or not. And I was kind of using -- instead of  
6 using the trauma-informed care, I was using restorative  
7 practices in place of that, just to make sure it met the  
8 same standard of practice. I can't -- but outside -- or  
9 if I'm kicking back the grant back and forth of changing  
10 locations, you know, I need you to send this back to me  
11 so I can upgrade or update and move on. Things like  
12 that.

13 Q Thank you.

14 MS. TUCKER: I'm going to introduce another  
15 exhibit that I'd like the court reporter to mark as  
16 Plaintiff's Exhibit 567. There you go.

17 (Plaintiff's Exhibit 567 was marked for  
18 identification.)

19 Q BY MS. TUCKER: Ms. Cole, the Bates number on  
20 the first page of this exhibit reads, GA00338963. This  
21 is an e-mail thread where we have redacted student  
22 personal identifiable information, and the most recent  
23 e-mail is dated January 15th, 2019, from you to Vickie  
24 Cleveland, and LaKesha Stevenson is copied. And the  
25 subject reads, "ID Enrollment Information."

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1 Ms. Cole, do you recognize this e-mail thread?

2 A I do.

3 Q Let's start with the earliest e-mail with the  
4 time stamp of January 15th at 10:27 a.m. And this is an  
5 e-mail from Vickie Cleveland to you. Do you see where  
6 Vickie Cleveland writes, "I have reviewed the Au/MID/MOID  
7 data that you submitted"?

8 What does Au/MID/MOID refer to?

9 A So that's autism, mildly intellectually  
10 disabled, and then moderately.

11 Q Moderately?

12 A Intellectually disabled.

13 Q Thank you.

14 And what data is Vickie Cleveland referring to  
15 that you submitted?

16 A So I think in 2019 she was pulling numbers.

17 Q Okay.

18 A I can't -- I think it was, but we would -- from  
19 time to time she would request numbers, you know, of  
20 eligibility categories, things like that. I'm thinking  
21 that's what it was.

22 Q So Vickie Cleveland requested eligibility --  
23 student eligibility information related to your student  
24 population?

25 A Yes, but I think she requested it statewide.

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1 Q Statewide?

2 A Yeah, for all of our -- all of the GNETS.

3 Q For all regional GNETS --

4 A Uh-huh.

5 Q -- programs?

6 And this time it was focused on Au, MID, and

7 MOID?

8 A Yes.

9 Q Okay. And does Vickie Cleveland -- how often  
10 does she request this type of data?

11 A Not often.

12 Q Okay. And by "not often," do you mean annually  
13 or?

14 A Not annually.

15 Q Okay.

16 A But sometimes it's -- I have to think. No,  
17 it's not. I was going to say sometimes we submit it  
18 through the grant, but we do not.

19 Q Student eligibility information?

20 A Right.

21 Q Is not in the grant?

22 A No.

23 Q Okay. And this was data that Vickie Cleveland  
24 had requested of you?

25 A Yes.

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1 A Correct.

2 Q What did you mean here?

3 A I meant do I not -- do I need to tell them I'm  
4 not even going to honor an IEP meeting; you can't call --  
5 call our team to an IEP meeting? That's what I was  
6 asking, do I need to tell them, no, we will not  
7 participate in IEP meetings.

8 Q And who is "them?"

9 A Any county that -- any of my LEAs that request  
10 services.

11 Q Okay. So you -- were you asking Vickie that  
12 you would need to tell the districts that you would not  
13 entertain a GNETS placement for these students?

14 A Correct.

15 Q Okay. And what was Vickie Cleveland's response  
16 to you?

17 A I don't remember. I remember I have received  
18 guidance that you can't deny someone a meeting. Like if  
19 they request this of you, you have to come to the table.

20 Q Okay. Got it.

21 And then when Nakeba Rahming said that she did  
22 not think GNETS was an appropriate placement for the GAA  
23 students, why? What did she say? Why?

24 A Because it's -- their behavior is more  
25 characteristic of their disability. So students that are

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1 maybe nonverbal, they may be hitting because that's their  
2 means of communication.

3 Q Okay.

4 A And it was not an emotional behavior. It's not  
5 derived from an emotional behavior.

6 Q Understand.

7 So GNETS program would be instead -- it's  
8 supposed to serve students with the emotional behavioral  
9 disorder characteristics?

10 A Right. Have some sort of an emotional  
11 component to it.

12 Q Thank you.

13 And did Vickie Cleveland share the same  
14 thought?

15 A She does share the same thought --

16 Q Okay.

17 A -- that they need to have some sort of  
18 emotional component.

19 Q Okay. Thank you.

20 MS. TUCKER: I'm going to introduce another  
21 exhibit. I'd like the court reporter to mark this  
22 document as Plaintiff's Exhibit 568.

23 (Plaintiff's Exhibit 568 was marked for  
24 identification.)

25 Q BY MS. TUCKER: Okay. This is an invite for a

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1 are school-based.

2 Q Okay. And do you know that they are tapping  
3 into those resources?

4 A Yes.

5 Q And how?

6 A Because Steven tells me.

7 MS. TUCKER: I'd like the court reporter to  
8 mark the following document as Plaintiff's Exhibit 570.

9 (Plaintiff's Exhibit 570 was marked for  
10 identification.)

11 Q BY MS. TUCKER: Ms. Cole, this is the Elam  
12 Alexander Academy GNETS grant application for fiscal year  
13 2022 that was printed off of the GNETS Web on March 15th,  
14 2022. The Bates number on the first page of this  
15 document reads Elam-18-822 -- or let's start over. It  
16 reads Elam-3-18-22-Supplement-3467.

17 Ms. Cole, do you recognize this document as the  
18 GNETS grant application for fiscal year 2022?

19 A Yes.

20 Q Okay. And fiscal year 2022 represented the  
21 2021 to '22 school year, correct?

22 A Yes.

23 Q What is the GNETS grant application?

24 A That is all of this information that's  
25 submitted to Department of Education.

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1 Q And what does this information that you submit  
2 get?

3 A It's --

4 Q What do you get from submitting this  
5 information?

6 A Nothing.

7 Q Do you get the grant?

8 A Yes. Sure.

9 Q Okay.

10 A Yeah. Of course, yes. But like a thumbs-up, a  
11 sign-off. How do I say that?

12 Q A sign-off, right. But this is how you receive  
13 the GNETS State grant?

14 A Yes.

15 Q Okay. It's --

16 A Yes.

17 Q Okay. It's a prerequisite?

18 A No, funding -- funding comes through. This is  
19 information that they request.

20 Q Okay.

21 A Yes.

22 Q Got it.

23 A And so it tells you the number of teachers and  
24 like that. It's a snapshot at that moment.

25 Q Do you receive feedback on it?

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1 A Sometimes, yes. We kick it back and forth, you  
2 know.

3 Q From who?

4 A Vickie or LaKesha.

5 Q What type of feedback?

6 A Like she might ask -- like most recently  
7 about -- because this is -- I submit this like in May,  
8 but some staffing is created or some decisions were made  
9 in July, so I may have to say, I need you to kick it back  
10 to me so I can update. Or she may say, hey, I think that  
11 you closed this site, but it's not in here. And I said,  
12 yeah, I didn't close it until July. Things like that.

13 Q Okay.

14 A Uh-huh.

15 Q Thank you.

16 A More operational, I guess you would say.

17 Q Thank you.

18 A Uh-huh.

19 Q So I would like to turn to the staffing pattern  
20 which begins on page 21. The Bates number on the bottom  
21 reads Elam-3-18-22-Supplement-3487.

22 Let me know when you get there.

23 A What page are you looking at?

24 Q It's 3487 on the bottom.

25 A 3487. Okay.



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1 consultation. So that was really where the bulk -- bulk  
2 of the conversation was.

3 Q I understand.

4 A Yeah.

5 Q Do you -- did you receive any written guidance  
6 related to the rule?

7 A I can't recall.

8 Q Okay.

9 A Maybe.

10 Q Okay. And then as director, does the GNETS  
11 rule provide you with the expectations regarding your  
12 duties and responsibilities?

13 A As director?

14 Q Yeah.

15 A It doesn't really speak to my role.

16 Q Okay. Do you refer to this rule often?

17 A Not really.

18 Q Okay. I am going to hand you a document that  
19 was previously introduced as Plaintiff's Exhibit 460.

20 A Thank you.

21 Q Yeah, of course. This is an August 16th, 2018  
22 e-mail from Vickie Cleveland to LaKesha Stevenson with  
23 the subject line, "Items to copy for meeting."

24 And at this time, I'd like to focus on four of  
25 the five attachments to this document. Please skim, and

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1 then we will walk through each one by one.

2 A Yes.

3 Q You are able to --

4 A Yes, I know what this is.

5 Q Thank you.

6 Let's turn to the third attachment. That would  
7 be the GNETS Services Flow Chart.

8 A Yes.

9 Q Well, you beat me to it. Are you familiar with  
10 this document?

11 A Yes.

12 Q Is this one of the documents that you were  
13 referring to a moment ago that rolled out with the rule?

14 A Yes.

15 Q Okay. What is the GNETS Services Flow Chart?

16 A This is the various ways that we can provide  
17 services.

18 Q "We" being?

19 A GNETS.

20 Q The regional programs --

21 A Yes.

22 Q -- too?

23 And did you play any role in creating this  
24 document?

25 A We had -- did we have planning? I think we had

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1 planning teams, talking about the different type of work  
2 that we could -- we could assist with. So yes, kind of.

3 Q We had planning teams?

4 A So when she would pull -- when we had GNETS  
5 directors meetings, we would have little break-out teams  
6 of different directors that may sit on different teams to  
7 talk about different items like this.

8 Q And at that time, it was Nakeba Rahming?

9 A Yes, but then Vickie came in. I can't remember  
10 when they transitioned.

11 Q Do you have those break-out teams now?

12 A No.

13 Q When did that end?

14 A When the documents were created.

15 Q Okay. Thank you.

16 Is -- do you recall if this was the team you  
17 were on?

18 A I don't remember what team I was on.

19 Q Okay.

20 A It was a long time ago.

21 Q I understand. And this was a document -- this  
22 flow chart was issued by GaDOE?

23 A Yes.

24 Q Okay. Does Elam Alexander Academy use this  
25 flow chart?

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1 A Yes.

2 Q Are regional GNETS programs required to use  
3 this flow chart?

4 A I believe so.

5 Q Am I correct that this flow chart sets three  
6 routes by which a student is -- may be served through  
7 GNETS?

8 A Yes.

9 Q And those three routes are consultation,  
10 standard process, and move-in?

11 A Correct.

12 Q Okay. Thank you.

13 I'd like to dive into each of these?

14 A Uh-huh.

15 Q Who requests -- under "Consultation", who  
16 requests consultation?

17 A So that would come from the LEA.

18 Q Okay. And what is the goal of consultation?

19 A The goal of consultation is for us to come in  
20 and provide whatever feedback they are requesting, FBA,  
21 direct, whatever it may be, and to maintain the student  
22 in their home school. That's the goal.

23 Q Maintain in home school?

24 A Correct.

25 Q How is that goal messaged?

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1 Q Thank you.

2 Does the next route, the indirect consultation,  
3 is that also likely combined with FBA coaching and  
4 direct?

5 A Not really. To me this is more like looking at  
6 a student's file and kind of coming up with some best  
7 practices. That's not something that really occurs too  
8 often for us for our program.

9 Q For last school year, ballpark how many?

10 A Two or three.

11 Q Okay.

12 A Yeah, very few.

13 Q Have you had any this school year?

14 A To just review paperwork, no.

15 Q Okay.

16 A Not that I can recall.

17 Q In the consultation -- in the main box, right  
18 where it says "Consultation," do you see that?

19 A Uh-huh.

20 Q It reads, "'Request for GNETS Consultation'  
21 form available only from the SPED office."

22 A Yes.

23 Q Okay. Let's turn to the second attachment,  
24 which starts with the Georgia -- GA00030542.

25 A Uh-huh.

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1 Q Is this the Request for GNETS Consultation --

2 A Yes.

3 Q -- form?

4 Were you on the team that worked on this form?

5 A I can't remember.

6 Q Okay.

7 A I -- probably not or I would have remembered.

8 Q Okay. And the -- this form is issued from  
9 GaDOE?

10 A Yes.

11 Q Okay. Does Elam Alexander Academy use this  
12 form?

13 A Yes.

14 Q Are the regional GNETS programs required to use  
15 this form?

16 A I believe so, yes.

17 Q Let's turn back to the flow chart.

18 MS. TUCKER: I think someone dropped is that  
19 noise.

20 MS. SOLOMON: Uh-huh.

21 Q BY MS. TUCKER: Okay. The second route, the  
22 "Standard Process." Do you see that?

23 A Yes.

24 Q Okay. Will you please walk me through the  
25 standard process for placing a student in GNETS?

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1           A    So this is where they would submit the student  
2   information packet. This is when they are requesting  
3   services, GNETS services, so this would go through an IEP  
4   team.

5           Q    Okay. And then who makes the initial  
6   determination whether a student should be considered for  
7   GNETS?

8           A    That would be the special ed director or their  
9   designee, so if they have a program specialist or  
10  something to that degree.

11          Q    And you just mentioned a student information  
12  packet?

13          A    Uh-huh.

14          Q    Is that the student information packet that it  
15  starts on the next page?

16          A    Yes.

17          Q    Okay. Was this document issued by GaDOE?

18          A    Yes.

19          Q    Okay. Are all GNETS -- regional GNETS programs  
20  required to use this?

21          A    Yes.

22          Q    Okay. Back to the flow chart then.

23          A    Okay.

24          Q    It says that -- after the student information  
25  packet is completed, the next step is that the GNETS

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1 charter schools.

2 Q Okay. Have you received any?

3 A I have gotten calls about a couple, but usually  
4 if they're a charter school, they still have the option  
5 to go back to their zoned school and then it follows  
6 through that LEA.

7 Q Okay. And zoned school would be the  
8 neighborhood school?

9 A Right, the home school.

10 Q The home school?

11 A Yes.

12 Q Making sure we're using the same terms. We can  
13 use zoned school.

14 A Right.

15 Q I just wanted to confirm.

16 Let's go to -- so on the flow chart, it says  
17 at -- in that top box, in the last sentence, "A check  
18 list of 'Guiding Questions' is completed to determine  
19 whether more work is needed at the school level or to  
20 proceed with GNETS involvement."

21 Do you see that?

22 A Uh-huh.

23 Q Okay, let's --

24 A Yes.

25 Q -- go to the fifth attachment, which it's



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1 GA00030549. Let me know when you are at that document.

2 A I've got it.

3 Q Is this the checklist of guiding questions?

4 A Yes.

5 Q And this -- was this issued by GaDOE?

6 A Yes.

7 Q Okay. Did you play any role in creating it as  
8 GNETS director?

9 A Myself, I don't -- I think I may have. I don't  
10 remember.

11 Q This wasn't your team?

12 A No.

13 Q Okay. And does Elam Alexander Academy use this  
14 form?

15 A We do.

16 Q Okay. And are you required as a regional GNETS  
17 program to use this form?

18 A Maybe. I don't know if they look at this quite  
19 as much as the other two.

20 Q Okay. And by "they"?

21 A But we use it.

22 Q By "they" you mean other regional GNETS  
23 programs?

24 A Right. I can't speak to them.

25 Q Okay.

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1 Q Okay. Is that something that you have explored  
2 with Bibb?

3 A I think we've had conversations about it  
4 through the IEP process.

5 Q Uh-huh.

6 A But not -- not often.

7 Q Earlier we spoke a little bit about a grant  
8 that GaDOE offers to receive funding for social worker  
9 services. Do you recall that?

10 A Yes.

11 Q Okay. And have you considered applying for  
12 such a grant?

13 A So that grant changed. So when that first  
14 rolled out, it was for those programs that didn't have  
15 social workers. And now there's a pot of funds. I think  
16 it's for three -- it's for three years. It started last  
17 year. And you can tap into that, and we can contract  
18 with people there. So I do have access to that now.

19 Q So you are a recipient of that GaDOE grant for  
20 social worker services?

21 A It's not just social worker. It's just  
22 therapeutic services.

23 Q Just therapeutic services?

24 A Right.

25 Q What's that grant called?

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1 A I don't remember.

2 Q But it's from GaDOE, and it's to receive  
3 therapeutic services?

4 A Correct.

5 Q And do you submit that to Vickie Cleveland and  
6 LaKesha Stevenson?

7 A Right. If I were to do contract work -- so I  
8 did contract work with a social worker last year, and so  
9 she would have a log that she would have to complete, and  
10 I would send it to them.

11 Q You would send your social workers' log to  
12 Vickie and LaKesha?

13 A Correct.

14 Q How often?

15 A Monthly.

16 Q Monthly.

17 Do they ask questions about it or if they  
18 didn't have it?

19 A If they didn't have it or if they had questions  
20 about services, they would. But I didn't -- I didn't  
21 have any questions.

22 Q Okay. And this is for three years?

23 A It's three years.

24 Q Okay. And you used it to fund a social worker?

25 A Correct.

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1 Q Is there enough money to fund other positions,  
2 too, or?

3 A No. Well, no. So now I think it's about -- I  
4 think I have about \$60,000, so I'm in the process of  
5 meeting with a company. They are called Team PBS, and so  
6 they do BCBA type work, and so we have a meeting  
7 scheduled so that I can contract with them for BCBA type  
8 work.

9 Q And this would be funded through this GaDOE  
10 grant?

11 A Correct.

12 Q And if you were to contract with this BCBA,  
13 would you then have to send a similar log to GaDOE?

14 A Yes.

15 Q Okay. Thank you.

16 Okay. Earlier you mentioned that the Burke  
17 Campus moved when the Ridge campus closed; is that  
18 correct?

19 A Yes.

20 Q Okay. And what -- about when was that? I  
21 apologize.

22 A You're fine. Probably 13 years ago.

23 Q Okay. And what was -- you said Burke Campus  
24 had been remodeled. What was it before?

25 A It was a -- Burke Elementary School.

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1 Q Okay. And then all of your teachers are Bibb  
2 County teachers?

3 A Correct.

4 Q Okay. So it would be Bibb County?

5 A Correct.

6 Q Are you familiar with the GNETS annual  
7 accountability report?

8 A I believe that's really old, and I think it was  
9 before my time.

10 Q As director?

11 A Correct.

12 Q Okay. What about the comprehensive needs  
13 assessment report; are you familiar with that?

14 A Can you put it in context?

15 Q If you are not familiar -- okay.

16 A I don't know off the top of my head.

17 Q Yeah.

18 MS. TUCKER: Okay. I'm gonna -- I'd like the  
19 court reporter to mark the following document as  
20 Plaintiff's Exhibit 578.

21 (Plaintiff's Exhibit 578 was marked for  
22 identification.)

23 Q BY MS. TUCKER: Okay. This is an e-mail thread  
24 with the most recent e-mail dated November 5th, 2020,  
25 between you, Vickie Cleveland, and LaKesha Stevenson.

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1 The subject reads, "Regional TA Meeting/Link." The Bates  
2 number on the bottom of the first page reads GA00363717.

3 Ms. Cole, do you recognize this e-mail thread?

4 A Yes.

5 Q Okay. Let's start with the earliest e-mail.

6 This is the November 4th, 2020 e-mail from LaKesha  
7 Stevenson to you, and Vickie Cleveland is copied.

8 Do you see that?

9 A Yes.

10 Q Okay. So in the first sentence, LaKesha  
11 Stevenson wrote, "The presentation from the regional  
12 meeting is attached."

13 What regional meeting is she referencing?

14 A I believe this is the TA meeting where she met  
15 with me and the special ed directors that I serve, those  
16 LEAs.

17 Q Uh-huh.

18 A It was virtual.

19 Q Uh-huh.

20 A Because I was at a conference, and it was  
21 regarding numbers, students participating in GNETS.

22 Q In general?

23 A Correct.

24 Q At Elam Alexander Academy?

25 A Correct.

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1 someone else besides LaKesha Stevenson?

2 A Not that I can recall.

3 Q Okay. Do you see where the second sentence she  
4 writes, "Please use the link below to complete the GNETS  
5 Duties and Responsibilities Checklist"?

6 Do you see that?

7 A I do.

8 Q What is the GNETS Duties and Responsibilities  
9 Checklist?

10 A I have no idea.

11 Q Okay.

12 A I don't know if it was the form like what we do  
13 as opposed to like, you know, what the SEA does, the LEA  
14 does, what we do. I have no idea. I can't recall that.

15 Q Okay. Has it -- so have you seen a checklist  
16 like this since?

17 A Not that's not on the rule.

18 Q Okay.

19 A You know, the GNETS board rule.

20 Q Uh-huh. Okay. Let's look to the next e-mail  
21 which is your e-mail.

22 A Yes.

23 Q Okay. Do you see where you ask whether you can  
24 complete file reviews by the end of the month?

25 A Yes.

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1 Q Okay. What are file reviews?

2 A So she -- we were asked to complete file  
3 reviews for every student that was receiving services  
4 through GNETS, and that would be like from their gtiD to  
5 their eligibility category. It's a lot of the  
6 information that was on like the guiding questions. Like  
7 it was pretty much that kind of information --

8 Q Uh-huh.

9 A -- for every student that was receiving  
10 services.

11 Q And by "guiding questions," do you mean the  
12 GaDOE guiding questions document we looked at earlier?

13 A Correct. So it asked questions like that, when  
14 were they placed, when did they exit, that type of thing.  
15 It was -- it's pretty extensive.

16 Q Okay. And you completed this for -- you had to  
17 complete this for all your students?

18 A Yes.

19 Q At centers and school-based locations?

20 A Correct.

21 Q Okay. And did -- was -- and this was requested  
22 by Vickie Cleveland and LaKesha Stevenson?

23 A Correct.

24 Q Did they share the purpose for the file review?

25 A No.



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1 Q Okay. Have you had to do this again since  
2 2020?

3 A No, I don't think so. I've done it twice, but  
4 I can't remember. I think this was the first time. I  
5 think I've done this twice.

6 Q Okay. So this was 2020. When do you think you  
7 did it the second time?

8 A It may have been beforehand because -- because  
9 I think this was my second time having to do it.

10 Q Okay. And by "beforehand," do you mean like in  
11 the five years before 2020 or was it like 2019?

12 A I think it was like 2017/'18ish. I think it  
13 was really right close when I became director.

14 Q Okay. Thank you.

15 Have you heard that you need to do this again  
16 soon?

17 A No.

18 Q Okay. It sounds like you are not looking to do  
19 that; is that correct?

20 A Girl.

21 Q Yeah. So this took a long time, Ms. Cole?

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q Okay. I understand.

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1 THE VIDEOGRAPHER: The time is 5:27 p.m., and  
2 we are off the record.

3 (The deposition was at recess from 5:27 p.m. to  
4 5:44 p.m.)

5 THE VIDEOGRAPHER: The time is 5:44 p.m., and  
6 we are on the record.

7 MS. TUCKER: Thank you.

8 Q BY MS. TUCKER: Ms. Cole, earlier you mentioned  
9 the GNETS strategic plan?

10 A Yes.

11 Q And you said that this year it's being wrapped  
12 into the GNETS grant application, correct?

13 A So that started last year.

14 Q Last year?

15 A They pushed some of that information into the  
16 grant.

17 Q Okay. Let's take the strategic plan prior to  
18 last year. What -- what was the strategic plan then?

19 A So actually we were on a three-year rolling.  
20 It was -- it was based on -- so you have information from  
21 my last that I did?

22 Q Uh-huh.

23 A Because I was at 100 percent. So then once I  
24 reached 100 percent, then they would not monitor me again  
25 for three years. So it was artifacts regarding

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1 instructional -- instructional practices, behavioral  
2 practices, fiscal management, things to that nature.

3 Q Okay. So when did you last receive 100  
4 percent?

5 A Three or four years ago.

6 Q Okay. Would it be in 2019? Does that sound  
7 right?

8 A It does sound right.

9 Q Okay.

10 A I think I provided that --

11 Q Yeah.

12 A -- outcome.

13 Q I'm happy to share that really fast.

14 Okay, I have my folder somewhere.

15 MS. TUCKER: Okay. I'd like for the court  
16 reporter to mark this document as Plaintiff's Exhibit  
17 580.

18 (Plaintiff's Exhibit 580 was marked for  
19 identification.)

20 Q BY MS. TUCKER: Ms. Cole, this is a July 1st,  
21 2019 letter to you from Vickie Cleveland. The GaDOE logo  
22 is on the top. The Bates number on the bottom reads  
23 Elam-3-18-22-Supplement-3492.

24 Do you recognize this letter?

25 A Yes.

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1 Q Is this what you are referring to a moment ago?

2 A Yes.

3 Q Okay. So this is a 2019 letter, and it  
4 reflects GaDOE providing a 100 percent score to Elam  
5 Alexander Academy on the strategic plan, correct?

6 A Correct.

7 Q Okay. And then are you saying that when you  
8 receive 100 percent you are then not monitored for how  
9 long?

10 A I believe it was like three years.

11 Q Three years. So if this was in 2019 -- so  
12 that's for 2018 to 2019 school year?

13 A Correct.

14 Q Okay. So then when would you have been up to  
15 be re-reviewed?

16 A I believe it was last year.

17 Q Okay.

18 A Or the year before. I can't recall.

19 Q Okay. So either school year 2021 or school  
20 year '21/'22?

21 A Correct.

22 Q Were you reviewed through the strategic plan at  
23 any of those times?

24 A Not through that process because they pushed a  
25 lot of like the artifacts that they wanted into the grant

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1 process.

2 Q Okay. So do the artifacts, were those  
3 artifacts part of the grant process at any point before  
4 then?

5 A No.

6 Q So the grant process became longer?

7 A Last year, yes.

8 Q Okay. So is -- as it -- would you just say  
9 that they have like merged these two documents?

10 A I would say so, yes.

11 Q Okay. Were they on different timelines before?

12 A The strategic plan and the -- yes.

13 Q What were the timelines?

14 A So with the strategic plan, you -- they would  
15 monitor programs at different dates. So if -- mine was  
16 like in March, but I would just continuously upload --

17 Q Uh-huh.

18 A -- throughout the year.

19 Q Okay.

20 A And then it's much like the grant where you  
21 would sign off, and then they can review.

22 Q Okay. Let's speak to this year where you  
23 received the 100 percent.

24 A Okay.

25 Q What did that look like, that process look

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1 like?

2 A On my end?

3 Q Uh-huh.

4 A It was just gathering all of the artifacts I  
5 have to demonstrate or show that I have met that  
6 criteria.

7 Q Okay. And this is criteria set specifically by  
8 GaDOE?

9 A Yes.

10 Q Okay. Did it involve any meeting with GaDOE?

11 A They did some training on it about what kind of  
12 information they were looking for because it was, you  
13 know, the different parts of the strategic plan, and then  
14 how many artifacts they wanted for each.

15 Q And then for that year, was there a review  
16 meeting where you discussed your artifacts or any of your  
17 data with GaDOE?

18 A Yes.

19 Q Okay. What does that meeting look like?

20 A We would go through each section. We would  
21 look at what I have uploaded and how that met the  
22 criteria, any additional information they may want to  
23 see, that kind of thing.

24 Q Okay. And how long would those meetings last?

25 A A couple of hours.

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1 Q A couple of hours. Were they in person?

2 A The first time that I was -- I was, yes, it was  
3 in person. The second time was not. It was virtual.

4 Q Okay. And would that second time be this  
5 2018/'19 where you received 100 percent?

6 A Correct.

7 Q Okay. If you had received lower than 100  
8 percent, would you have been re-reviewed the next year?

9 A Correct.

10 Q Is that if you receive a 99, or was there a  
11 different cutoff?

12 A I forgot where they were, but I think it was  
13 below a certain percentage. I can't remember if it was  
14 90 percent, 85 percent. I can't remember what the cutoff  
15 was, but if you did not meet a certain level of practice,  
16 then you would be reviewed more frequently, monitored  
17 more frequently.

18 Q I understand.

19 And then prior to this 2019 100 percent rating,  
20 how often were you reviewed under the strategic plan?

21 A Yearly.

22 Q Yearly. Was -- had you reached 100 percent  
23 before?

24 A No, but I was close. I think I was in the 80s  
25 the time prior, like 88. I can't recall.

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1 Q Okay. You don't recall a committee?

2 A I don't.

3 Q Okay.

4 A Maybe. I don't know.

5 Q It's okay.

6 So after 2019, you were not to be reviewed for  
7 three years, and then that is now passed, correct?

8 A Correct.

9 Q And they are no longer doing the separate  
10 strategic -- "they" being GaDOE, are no longer doing the  
11 strategic plan in the same fashion?

12 A Correct.

13 Q Okay. So it's all a part of the grant  
14 application?

15 A Yes.

16 Q Thank you.

17 What are your thoughts on the merging of the  
18 two documents?

19 A I think it's fine.

20 Q Okay.

21 A I mean, there was a -- you upload a lot of the  
22 same information, so...

23 Q Is there anything that was maintained in the  
24 strategic plan that you had to collect that's not  
25 included in the grant app?